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OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (Transport and Accommodation)

No. HD-25-62/71/(T&A)

Reciprocal Transport Agreement between the Government of Maharashtra and the Government of the Union Territory of Goa, Daman and Diu

This Agreement made this first day of January, one thousand nine hundred and seventy-six between the President of India on the one part and the Governor of Maharashtra of the other part.

Whereas with a view to expediting the economic development of the country by encouraging long distance and Inter-State travel and transport of goods by road a proposal to enter into a fresh agreement for facilitating Inter-State travel and transport of goods by road in place of the previous agreement notified on the 8th May, 1972 the duration of which has expired, was accepted by the Government of Goa, Daman and Diu and the Government of Maharashtra.

And whereas pursuant to and as required by sub-section (3A) of section 63 of the Motor Vehicles Act, 1939 (IV of 1939), the said proposal was published by the Government of Maharashtra under Government Notification Home Department No. MTA 2075/3/XXXI-TR, dated the 20th November, 1975, at pages 527 to 533 of Part IV-A of Maharashtra Government Gazette Extraordinary dated the 20th November, 1975 and by the Government of Goa, Daman and Diu under Government Notification Home Department (Transport and Accommodation) No. HD-25-62/71(T&A), dated the 26th November, 1975, in Official Gazette, Extraordinary Series III, No. 34, dated the 26th November, 1975, together with a notice for submitting representations in connection therewith.

And whereas pursuant thereto certain representations were received by the Government of Maharashtra, which were duly considered by the said Government and as a result thereof the Government of Maharashtra desired to make certain clarificatory modifications in the said proposal as originally accepted by the said two Governments as aforesaid.

And whereas the said proposed modifications were considered at a joint meeting of the representatives of the Government of Goa, Daman and Diu and the Government of Maharashtra held on the 31st day of December, 1975, where at an agreement as hereinafter appearing, was arrived

at regarding the said original proposal and the modifications therein proposed by the Government of Maharashtra as aforesaid.

NOW THIS AGREEMENT WITNESSETH AND IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:—

1. *Stage Carriages.*—(a) Inter-State routes for stage carriages shall mean the routes connecting the main nearest traffic points on either side of the border, penetration by passenger transport of either State into the other State being restricted upto the aforesaid traffic point unless otherwise mutually agreed upon in any particular case or cases.

(b) Permits on inter-State routes for operation of stage carriages as agreed upon shall be countersigned by the reciprocating States as shown in Appendix-I.

(c) The fares and freight charged by the operators of either State in the reciprocating State will not be less than those charged by operators of the reciprocating State for similar services in that State.

(d) Any extension of a portion of an inter-State route lying exclusively in one State may be made by the Transport Authority of that State in respect of services run by the operators of that State without consultation with the Transport Authority of the other State.

(e) The operators of either State operating on inter-State routes shall not halt to pick up or set down passengers within any two points on the inter-State route lying in the reciprocating State except as mentioned in Appendix-I against specified routes.

(f) Schedules and timings of stage carriages to be plied on inter-State routes shall be fixed by the Transport Authorities of the two States by mutual consultation.

(g) No temporary permits shall be issued or countersigned by the Transport Authorities of the reciprocating State for the operation of stage carriages on the routes specified in Appendix-I except that temporary permits shall be issued and countersigned upto a maximum of sixteen (16) return trips per day (1) during April, May, June and October every year (2) during festivals viz., Ganesh Chaturthi, Diwali, Old Goa Festival for a period of fifteen (15) days for each festival and (3) during the festival of Christmas, New Year for a total period of twenty (20) days to be operated by the nominees of Maharashtra and Goa in the proportion of ten to six (10:6). The number of temporary permits so issued and countersigned may be increased upto twenty (20) by mutual consultation between the Transport Authorities of the two States subject to, however, that the distribution of such additional trips between the nominees of the two States shall be in such manner as the Transport Authorities of the two States may decide.

(h) The operators of either State operating on inter-State routes on temporary permits shall not halt to pick-up or set down passengers any where in the area of the reciprocating State except at the terminus specified in the temporary permit.

II. *Contract carriages (taxi cabs).*—Contract carriage permits (taxi cabs) of the operators of either of the State shall be countersigned up to a limit of ten vehicles for any area of either State subject to the following conditions:—

(a) The Contract carriage vehicles (taxi cabs) shall be hired by a single party and shall be used for the return journey by the same party terminating in the area of the home State.

(b) The contract carriage vehicle (taxi cabs) shall not have a seating capacity exceeding 6 persons including the driver.

(c) Temporary permits may be issued upto a limit of five taxi cabs per month by the Transport Authorities of each of the two States without countersignature for a single return trip by a single party on dates and on a route specified in the permit.

III. *Public carriers.*—(A) Countersigned permits.—(a) The quota of public carrier's permits of each State to be countersigned by the other in accordance with proviso to section 63(3) of the Motor Vehicles Act, shall be 500.

(b) The countersignatures shall be granted for plying the vehicles on all National and State Highways with a deviation upto 30 kilometres except on prohibited routes.

(c) The vehicles shall not pick up any goods in the countersigning State for setting down the same at any place enroute in that State and thus indulge in intra-State traffic.

(B) Temporary permits.—There shall be no limit to the number of temporary permits. Temporary permits may be granted for a period not exceeding 30 days at a time by the Transport Authority of the home State without the concurrence of the Transport Authority of the reciprocating State. These permits may be granted for plying the vehicles on all National and State Highways with a deviation upto 30 kilometers in the reciprocating State except on the prohibited routes of that State. For this purpose, both the States will exchange lists of prohibited routes in each State from time to time.

(b) In the case of temporary permits issued by the competent authority in either State for a period not exceeding 30 days, irrespective of whether that period falls in one calendar month or two consecutive calendar months, the taxes due shall be charged for one month only by the Government of Maharashtra and for 30 days only by the Goa Administration.

(c) Temporary permits shall be granted by the home State Transport Authority subject to payment of taxes due to the reciprocating State. The permit issuing officers of the home State shall issue temporary permits only on receipt of demand drafts drawn in favour of the Secretary, State Transport Authority, Goa, or the Transport Commissioner, Bombay, as the case may be, for the amount of tax payable to the other State.

(d) The Transport Authority of the home State shall send a statement of temporary permits issued, with demand drafts towards the tax paid to the State Transport Authority of the other State, once a month for necessary verification. Particulars of demand drafts shall also be noted in the temporary permits to which they relate.

IV. *Private carriers.*—The quota of private carrier's permits of each State to be countersigned by the other shall be 50. The State Transport Authority shall satisfy itself about the bona fides of the business of the applicants in the other State, before recommending their applications for grant of countersignature for the area of routes applied for.

General.—(1) Where a provision has been made in this agreement for the grant of countersignature on permits of the operators of the reciprocating States, the State Government shall arrange with the Transport Authorities concerned for the grant of such countersignature to such operators as may

be nominated by the reciprocating State and no other operators.

(2) All vehicles plying on regular or temporary permits duly countersigned by the Transport Authority of the reciprocating State shall be exempted from the payment of taxes «leviable» under the Motor Vehicles Tax Act concerned in the reciprocating State. For the removal of any doubt it is hereby made clear that vehicles plying on temporary permits without such countersignature shall not be exempted from the payment of the motor vehicles tax in the reciprocating State. Any motor vehicles tax leviable in the reciprocating State shall be paid by the operator in advance of the issue of the permit valid for that State.

(3) Vehicles plying on special contract carriage permits issued under section 63(6) of the Motor Vehicles Act, 1939 shall be exempted from payment of motor vehicles tax in the reciprocating State.

(4) The reciprocating State shall accord recognition to the tax tokens, conductors licences, public service authorisations, certificates of registration and fitness etc. of the other State.

(5) Any clause in this agreement may be amended or a new one added to it at any stage, after mutual agreement. The agreement shall also be subject to annual reviews.

(6) This agreement shall remain in force until it is rescinded by mutual consent on three months notice on either side.

(7) Every permit granted as per agreement should incorporate the following conditions:—

«The permit is issued strictly in terms of inter-State agreement between the Government of Goa Administration and the Government of Maharashtra. If the permit holder or his agent or his driver uses the vehicle in a manner not authorised by the permit such use will be deemed to be without any valid permit and the Transport Authority which detects such an use is free to take such action against the user or the permit holder as is possible under the law, in addition to such action as his home Transport Authority can take».

IN WITNESS WHEREOF the Governor of Maharashtra hath caused the Deputy Secretary to the Government of Maharashtra to hereto set his hand and affix his official seal for and on his behalf and the President of India hath caused the Chief Secretary to the Government of Goa, Daman and Diu to hereto set his hand and affix his official seal for and on his behalf the day and year first hereinabove written.

Signed, Sealed and Delivered by Shri R. C. Iyer, Deputy Secretary to the Government of Maharashtra, Home Department, for and on behalf of the Governor of Maharashtra in the present of—

(R. C. Iyer)

Deputy Secretary, Home Deptt. Govt. of Maharashtra.

(1) Shri N. Y. Bhapkar,

(N. Y. Bhapkar)

Under Secretary, Home Deptt., Govt. of Maharashtra.

(2) Shri V. V. Sovani.

(V. V. Sovani)

Superintendent, Home Department

Signed, Sealed and Delivered by Shri T. Kipgen, Chief Secretary to the Government of Goa, Daman and Diu for and on behalf of the President of India in the presence of Shri Xantaram Counto, Director of Transport, Government of Goa, Daman and Diu, Panaji and Shri Gurunath M. Sardesai Under Secretary (Home), Govt. of Goa, Daman and Diu, Panaji.

(T. Kipgen)

Chief Secretary to the Govt. of Goa, Daman and Diu

(Xantaram Counto)

Director of Transport, Government of Goa, Daman and Diu, Panaji

(G. M. Sardesai)

Under Secretary (Home) Government of Goa, Daman and Diu, Panaji

APPENDIX I

Part 'A'

Sr. No.	Name of the route	No. of return trips	No. of permits to be granted/to be counter-signed	Trips to be operated by nominees of			
				Maharashtra		Goa	
				No. of return trips	No. of permits to be granted/to be counter-signed	No. of return trips	No. of permits to be granted/to be counter-signed
1	2	3	4	5	6	7	8
1.	Sawantwadi-Panaji via Dodamarg ...	14*	14*	8@	8	6	6
2.	Sawantwadi-Valpoi-Hivrem** via Dodamarg, Asnora, Dhavem ...	5	5	2	2	3	3
3.	Vasco-da-Gama-Sawantwadi via Margaon, Ponda, Sanquelim ...	2	2	—	—	2	2
4.	Panaji-Tilari via Dodamarg ...	1	1	—	—	1	1
5.	Sawantwadi-Nageshim via Dodamarg, Mapusa, Panaji, Mangeshi, Ponda, Kavalem, Ramnathim ...	1	1	1	1	—	—
6.	Sawantwadi-Morji via Pednem, Patradevi	1	1	1	1	—	—
7.	Margao-Sal via Dodamarg ...	1	1	—	—	1	1
8.	Banda-Netarde-Mahakhajan f via Hali ...	2+	2	2	2	—	—

* This figure indicates the maximum number, the minimum return trips being 12.

@ This figure indicates the maximum number, the minimum return trips being 6.

** The operation on the extended portion beyond Dhavem is subject to «motorability» of road.

f The operation on the extended portion Netarde-Mahakhajan is subject to motorability of road.

+ This figure indicates the maximum number, the minimum being 1.

Note. — Picking up and setting down of passengers on the above routes is allowed at any place enroute.

APPENDIX I

Part 'B'

Sr. No.	Name of the route	No. of return trips	No. of permits to be granted/to be counter-signed	Trips to be operated by nominees of			
				Maharashtra		Goa	
				No. of return trips	No. of permits to be granted/to be counter-signed	No. of return trips	No. of permits to be granted/to be counter-signed
1	2	3	4	5	6	7	8
1.	Bombay-Panaji via Mahad, Chiplun, Rajapur, Sawantwadi, Mapusa ...	5*	5 (3 lux.) (2 ord.)	3@	3 (2 lux.) (1 ord.)	2	2 (1 lux.) (1 ord.)
2.	Bombay-Margao via Mahad, Chiplun, Rajapur, Sawantwadi, Dodamarg, Sanquelim, Ponda ...	2	2 (1 lux.) (1 ord.)	—	—	2	2 (1 lux.) (1 ord.)
3.	Panaji-Poona via Dodamarg, Sawantwadi, Kankawali, Kolhapur, Satara ...	2	2	1	1	1	1

Note: — * This figure indicates the maximum number, the minimum return trips being 4.

@ This figure indicates the maximum number, the minimum return trips being 2.

In the case of the above routes the nominees of either States are allowed to set down the passengers in the area of the reciprocating States only at the following stages: —

(a) Stages for Goa operators on journey towards Bombay only: Panaji-Bombay and Margao-Bombay routes Kankawali, Chiplun, Mahad.

Panaji-Poona route on journey towards Poona: — Kankawali, Kolhapur, Satara.

(b) Stages for Maharashtra Operators on Bombay, Panaji and Panaji-Poona route on journey towards Panaji: — Asnora, Mapusa, Betim.

The Maharashtra Operators are allowed to pick up passengers on the above routes on journey towards Bombay from Mapusa only.

APPENDIX I
Part 'C'

Sr. No.	Name of the route	No. of return trips	No. of permits to be granted/to be counter-signed	Trips to be operated by nominees of			
				Maharashtra		Goa	
				No. of return trips	No. of permits to be granted/to be counter-signed	No. of return trips	No. of permits to be granted/to be counter-signed
1	2	3	4	5	6	7	8
1.	Bombay-Sadashivgad via Mahad, Chiplun, Rajapur, Sawantwadi, Dodamarg, Sanquelim, Ponda, Kavale, Margaon, Polem	1	1	1	1	—	—
2.	Bombay-Margao via Mahad, Chiplun, Rajapur, Swantwadi, Mapusa, Panaji, Ponda	1	1	1	1	—	—

Note.— On the above routes the Maharashtra nominees are allowed to pick up or set down passengers at the following stages:—

- (a) Bombay-Sadashivgad route—Sanquelim, Ponda, Kawale, Margao, Kanakona, Polem.
- (b) Bombay-Margao routes—Mapusa, Panaji, Ponda.

APPENDIX I
Part 'D'

Sr. No.	Name of the route	No. of return trips	No. of permits to be granted/to be counter-signed	Trips to be operated by nominees of			
				Maharashtra		Goa	
				No. of return trips	No. of permits to be granted/to be counter-signed	No. of return trips	No. of permits to be granted/to be counter-signed
1	2	3	4	5	6	7	8
1.	Bombay-Panaji via Mahad Chiplun, Rajapur, Sawantwadi-Mapusa	2*	2	1	1	1	1

Note.— This stage carriage air-conditioned coach is to be operated direct subject to the condition that no passenger to be picked up or set down any where enroute, and also subject to the condition that no replacement of air-conditioned coach by a non-air conditioned coach will be allowed under any circumstances, even temporarily.

* The figures indicate the maximum number of return trips.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 1st January, 1976.